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JA 4027

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IN RE: : UNITED STATES BANKRUPTCY COURT
: FOR THE DISTRICT OF NEW JERSEY
Eunice C. Gardner :
: CHAPTER 13
: CASE NO. 08-27549-NLW
DEBTOR : **AMENDED OBJECTION TO PLAN**
: Confirmation Hrg: 11/13/2008@ 9:00am
:

The undersigned, ZUCKER, GOLDBERG & ACKERMAN, LLC, attorneys for Secured Creditor, Wells Fargo Bank, N.A., the holder of a First Mortgage on the debtor's premises at 1370 Bellevue Court, Plainfield, NJ 07060 , in addition to the objections set forth in its original Notice of Objection, the Secured Creditor further objects to the provision in the Chapter 13 plan that fixes the monthly mortgage payment outside the plan. The normal servicing of the debtor's loan will call for the post-petition mortgage payment to be adjusted. The debtor's plan makes no provision for this adjustment in violation of 11 U.S.C. 1322 (b) (2) .

Schedule J of the Debtor's Chapter 13 petition shows that the debtor has a disposable net income of only \$404.97 per month. Since there is no extra income to satisfy the Secured

Creditor's claim within sixty (60) months, the Debtor cannot propose a feasible plan in violation of 11 U.S.C.1325(a) (6).

The Debtor's plan is a tier plan, however The Debtor fails to explain how each tier is to be funded, or specify what is the extra source of income which will fund each tier. The lack of this information makes it impossible to determine whether the plan is feasible.

ZUCKER, GOLDBERG & ACKERMAN
Attorneys for Secured Creditor
Wells Fargo Bank, N.A.

/s/ JOEL A. ACKERMAN
JOEL A. ACKERMAN
MEMBER OF THE FIRM

DATED: November 7, 2008

**THIS IS AN ATTEMPT TO COLLECT A DEBT.
ANY INFORMATION OBTAINED
WILL BE USED FOR THAT PURPOSE.**